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PATRICK G. BURNS, ESQ.
GREER, BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Keiichi Nagasaka et al :
Application No. 10/624,665 : DECISION ON PETITION
Filed: July 22, 2003 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 2500.66962 :
:

This is a decision on the petition under 37 CFR 1.55(c), filed May 25, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Japanese Application No. 2002-214900, filed July 24, 2002.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director

may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on July 22, 2003, which is after November 29, 2000 and within 12 months of July 24, 2002 (the filing date of the foreign application to which benefit is now being claimed). On January 20, 2004, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,370 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, has been mailed in this application.

The foreign priority claim has been considered and acknowledged by the Examiner. Accordingly, this application is being directed to Publishing Division for processing into a patent.

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions